

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS INDIANA

PLANNED PARENTHOOD OF INDIANA,
INC., *et al.*,

Plaintiffs,

V.

No.

COMMISSIONER OF THE INDIANA STATE
DEPARTMENT OF HEALTH, *et al.*,

Defendants.

11-cv-0630 TWP-TAB

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING BRIEFING
SCHEDULE AND HEARING ON MOTION FOR PRELIMINARY INJUNCTION**

The plaintiffs having filed their Motion for Temporary Restraining Order and for Preliminary Injunction, and the Court having read and reviewed the same and being duly advised, the Court now finds that the plaintiffs Motion for Temporary Restraining Order should be GRANTED and that the plaintiffs' Motion for Preliminary Injunction should be set for briefing schedule and hearing.

IT IS THEREFORE ORDERED that a Temporary Restraining Order hereby issues in this cause as follows:

All defendants are hereby temporarily enjoined from enforcing, in any way, Indiana Code § 5-22-17-5.5(b)–(d), as added by House Enrolled Act 1210 (“HEA 1210”).

The Court finds that, absent this order, the plaintiffs will suffer irreparable injury insofar as plaintiff Planned Parenthood of Indiana, Inc. (“PPIN”), has currently scheduled appointments with hundreds of such patients in the foreseeable future, but will be unable to provide necessary care to these patients due only to the enactment of HEA 1210. Additionally, if the defunding provisions of HEA 1210 are allowed to take effect, PPIN will be forced to close eight (8) health

centers and to lay off more than thirty-six (36) full-time employees. During 2010, more than fifteen thousand (15,000) patients were serviced at these health centers, and PPIN provided services to more than nine thousand three hundred (9,300) Medicaid enrollees. This injury is clearly "immediate and irreparable." FED. R. CIV. P. 65(b)(1)(A).

IT IS FURTHER ORDERED that the above-described Temporary Restraining Order shall expire fourteen (14) days from this date, unless renewed, and is issued without bond.

IT IS FURTHER ORDERED that the plaintiffs' Motion for Preliminary Injunction is hereby set for the following briefing schedule:

- Defendants' response brief to be filed on or before _____.
- Plaintiffs' reply brief, if any, to be filed on or before _____.

IT IS FURTHER ORDERED that the plaintiffs' Motion for Preliminary Injunction is hereby set for hearing on the _____ day of _____, 2011, at _____ o'clock ____m. in Room _____ of the United States Courthouse in Indianapolis, Indiana.

SO ORDERED on the _____ day of May, 2011, at _____.M.

Judge, United States District Court

Distribution:

Kenneth J. Falk
Gavin M. Rose
Jan P. Mensz
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

Thomas Fisher, Solicitor General
Office of the Attorney General
IGCS – 5th Floor
302 W. Washington St.
Indianapolis, IN 46204

Dr. Greg Larkin
Indiana Department of Health
2 North Meridian Street
Indianapolis, IN 46204

Adam Horst, Director
Indiana State Budget Agency
200 W. Washington St., Rm. 212
Indianapolis, IN 46204

Robert Wynkoop, Commissioner
Indiana Department of Administration
IGCS - W-478
402 W. Washington ST
Indianapolis, IN 46204

Michael Gargano, Secretary
Indiana FSSA
IGCS
402 W. Washington St.
Indianapolis, IN 46204

Terry Curry
Marion County Prosecutor
251 E. Ohio Street
Suite 160
Indianapolis, IN 46204

Mr. Chris Gaal
Monroe County Prosecutor
301 N. College Avenue, Rm. 211
Bloomington, IN 47404

Mr. Pat Harrington
Tippecanoe County Prosecutor
Tippecanoe County Courthouse
301 Main Street - 4th Floor
Lafayette, IN 47901